IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5659 OF 2007

Krishna Amrut Belle] .. Petitioner

Versus

1. The Scheduled Tribe Certificate Scrutiny Committee & 2 ors.] .. Respondents

ALONGWITH

WRIT PETITION NOS.5660 OF 2007, 5661/07, 5662/07, 5663/07, 5664/07, 5665/07, 5666/07, 5667/07, 5668/07, 5669/07, 5672/07, 5673/07, 5674/07, 5675/07, 5676/07, 5677/07, 5678/07, 5679/07, 5680/07, 5681/07, 5682/07, 5683/07, 5684/07, 5685/07 & WRIT PETITION NO. 5718 OF 2007.

Mr. V.M. Parsurami with Mr. U.R. Ugandsurve for the petitioners.

Mr. R.D. Rane, GP, for the respondents No.1 & 3.

Mr. Nitin Jamdar for respondent No.2.

CORAM: S.B. MHASE &
D.G. KARNIK, JJ.

DATED: 17TH SEPTEMBER, 2007

P.C. :

. Heard learned counsel for the petitioners and the respondents.

2. Rule. Returnmable forthwith. By consent of the parties, called for hearing.

3. As one common question on which all the petitions can be disposed of arises in this case, they are disposed of by this common judgment.

4. One of the grievances of all the petitioner is that their Caste Certificate has been invalidated without giving them an opportunity of hearing. The learned counsel for the respondent - Scrutiny Committee states that the notice of hearing was sent through the employers of the petitioners. However, the employer served the notice on each of the petitioners after the due date was fixed for hearing. In the circumstances, the petitioners were not aware of the date of hearing and, therefore, could not take part in the hearing. The impugned orders also state that the petitioners were absent. Obviously, the petitioners were absent because they were not aware of the date of hearing.

5. In the circumstances, we are satisfied that appropriate opportunity of hearing has not been given to the petitioners. The petitions, therefore, need to be allowed on this ground alone. Accordingly, all the petitions are allowed and the proceedings are remanded back to the respondent No.1-Scrutiny Committee for

deciding the matter afresh after hearing the petitioners. Each of the petitioners are hereby given notice of the date of hearing before the Scrutiny Committee which is fixed on 3rd October, 2007. The petitioners, through their learned counsel, accept the notice of hearing of 3rd October, 2007.

6. Rule is made absolute to the extent indicated above.

[D.G. KARNIK, J.] **[S.B. MHASE, J.]**